

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NFC TECHNOLOGY, LLC,

Plaintiff,

v.

**SAMSUNG ELECTRONICS CO., LTD.,
ET AL.,**

Defendants.

**Civil Action No. 2:15-CV-00283-JRG-RSP
The Hon. Rodney Gilstrap**

JURY TRIAL DEMANDED

**DEFENDANTS SAMSUNG ELECTRONICS CO., LTD. AND
SAMSUNG ELECTRONICS AMERICA, INC.'S NOTICE OF RELEVANT
DETERMINATIONS FROM RELATED PROCEEDINGS
PURSUANT TO COURT'S MAY 28, 2015 STANDING ORDER**

Pursuant to the Court's May 28, 2015 Standing Order Requiring Notice of Relevant Determinations From Related Proceedings, Defendants Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc. (collectively, "Samsung") have become aware of determinations by the U.S. Patent and Trademark Office's Patent Trial and Appeals Board ("PTAB") that are relevant to this case.

The PTAB recently issued Final Written Decisions finding claims of asserted U.S. Patent Nos. 6,700,551 (the "'551 Patent") and 7,665,664 (the "'664 Patent") to be invalid and unpatentable.¹ On February 3, 2016, the PTAB issued a Final Written Decision regarding the '551 Patent finding *all* claims asserted against Samsung in this case—Claims 1-3 and 5—to be invalid and unpatentable on multiple grounds. *See* Ex. A at p. 48 (PTAB's Final Written

¹ In a different case pending in this district, Plaintiff NFC Technology, LLC ("NFCT") is also suing HTC Corporation and HTC America, Inc. (collectively, "HTC") for infringing the '551 and '664 Patents. *See* Case No. 2:13-cv-01058-WCB. The PTAB's Final Written Decisions relating to the '551 and '664 Patents were issued in *inter partes* review proceedings initiated by HTC.

Decision regarding the '551 Patent). On the same day, the PTAB issued a Final Written Decision regarding the '664 Patent finding all claims at issue in the *inter partes* review—Claims 13 and 29—to be invalid and unpatentable on multiple grounds. *See* Ex. B at p. 28 (PTAB's Final Written Decision regarding the '664 Patent). NFCT is currently asserting Claims 13, 29 and certain other claims of the '664 Patent against Samsung in this case.

Samsung believes that the PTAB's Final Written Decisions are relevant to the upcoming claim construction hearing since they declare claims containing disputed claim terms to be invalid and unpatentable. On February 4, 2016, Samsung met and conferred with NFCT's counsel and requested that NFCT promptly confirm that it will dismiss claims relating to the '551 and '664 Patents. NFCT has not yet responded to this request. If NFCT does not agree to such a dismissal, Samsung may seek a stay of the case.

Dated: February 5, 2016

Respectfully submitted,

/s/ Nicholas Whilt

George A. Riley (Cal. Bar. No. 118304)
griley@omm.com

O'MELVENY & MYERS LLP

Two Embarcadero Center, 28th Floor
San Francisco, California 94111-3823
Telephone: (415) 984-8700
Facsimile: (415) 984-8701

Ryan K. Yagura (Tex. Bar No. 24075933)
ryagura@omm.com

Nicholas J. Whilt (Cal. Bar No. 247738)
nwhilt@omm.com

O'MELVENY & MYERS LLP

400 S. Hope Street
Los Angeles, CA 90071
Telephone: 213-430-6000
Facsimile: 213-430-6407

John C. Kappos (Cal. Bar No. 171977)
jkappos@omm.com

Diane Pang (Cal. Bar No. 216026)
dpang@omm.com

Bo K. Moon (Cal. Bar. No. 284841)

O'MELVENY & MYERS LLP

610 Newport Center Drive, 17th Floor
Newport Beach, CA 92660
Telephone: 949-823-6900
Facsimile: 949-823-6994

Melissa R. Smith, (Tex. Bar No. 24001351)

GILLAM & SMITH LLP

303 South Washington Avenue
Marshall, Texas 75670
Phone: (903) 934-8450
Facsimile: (903) 934-9257
Email: melissa@gillamsmithlaw.com

*Attorneys for Defendants Samsung Electronics
Co., Ltd. and Samsung Electronics America,
Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2016, a true and correct copy of the foregoing document was served on all counsel of record via electronic mail.

/s/Melissa R. Smith
Melissa R. Smith